

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.28831 OF 1995

-
-

Between:

Jakku Yeelaiah

.....Petitioner

And

Deputy Secretary to Government of India,
Ministry of Home Affairs, 1st Floor,
Lokh Nayak Bhavan, New Delhi
and five others

.....Respondents

:: ORDER ::

Counsel for the Petitioner : Sri K. Padmanabha Rao
representing
Sri M.S. Rajalingam

Counsel for Respondent No.1 : Sri A. Rajasekhar Reddy,
Assistant Solicitor
General

Counsel for Respondent No.2 : Government Pleader for
Revenue

Counsel for Respondent Nos.4 and 5 : None

Dated: 26-07-2006

In this petition filed sometime in August 1995, the petitioner has prayed for issue of a mandamus to the respondents to place his application along with incharge certificate before Hyderabad Screening Committee for consideration of his claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme')..

I had heard learned counsel for the parties and perused the record. Since the writ petition is not accompanied by any document, which may support the petitioner's claim of being treated as a freedom fighter for the purpose of the 1980 Scheme, I asked Sri K. Padmanabha Rao, learned counsel for the petitioner whether he has any document which substantiates his client's claim for grant of pension. Upon this, learned counsel produced photostat copies of some papers including the certificate issued by a Civil Assistant Surgeon wherein the petitioner's age has been shown as 75 years. The other papers are photostat copies (partly legible and partly illegible) of some certificates.

Sri A. Rajasekhar Reddy, learned Assistant Solicitor General appearing for the Union of India pointed out that in the affidavit filed in 1995, the petitioner has described his age as 60 years and, therefore, he could not have been more than 15 years old in 1947. He also stated that the Screening Committee constituted by the Government of India for scrutinizing the cases of Hyderabad freedom fighters ceased to exist from May 1998.

In my opinion, the petitioner has failed to make out a case for issue of mandamus to the respondents to consider his claim for grant of pension because no material has been produced before the Court to show that he had taken part in the freedom struggle or he could

otherwise be treated as a freedom fighter.

I am further of the view that the petitioner is not entitled to relief under Article 226 of the Constitution of India because he has not approached the Court with clean hands. If his age, as shown in the certificate of the Civil Assistant Surgeon is 75 years, then he would not have shown his age as 60 years in the affidavit filed in 1995. To me, it appears that the documents shown by the learned counsel during the course of hearing have been fabricated for supporting his claim as a freedom fighter.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, CJ

26-07-2006

svs